

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

JOHNNY CONNER NICHOLS, )  
Plaintiff, )  
v. ) CIVIL ACTION NO. 5:11-CV-116 (MTT)  
DR. BURNSIDE, et al., )  
Defendants. )  
\_\_\_\_\_  
)

**ORDER**

This matter is before the Court on the Recommendation of United States Magistrate Judge Charles H. Weigle. (Doc. 7). The Magistrate Judge, having reviewed the Plaintiff's complaint pursuant to the Prison Litigation Reform Act, 28 U.S.C. § 1915A(a) & (b), recommends (a) dismissing Defendants Abreu and Upton; (b) dismissing the Plaintiff's claim for injunctive relief as moot; and (c) allowing the Plaintiff's claim against Defendant Dr. Burnside to proceed. The Plaintiff filed an objection to the Recommendation. (Doc. 9). Pursuant to 28 U.S.C. § 636(b)(1), the Court has considered the Plaintiff's objection and has made a de novo determination of the portions of the Recommendation to which the Plaintiff objects.

The Recommendation is adopted and made the order of this Court. Defendants Abreu and Upton are **dismissed** from this action, and the Plaintiff's claim for injunctive relief also is **dismissed**. The Plaintiff's claim against Defendant Dr. Burnside shall go forward.

**SO ORDERED**, this 24th day of May, 2011.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT